



FISCAL MEMORANDUM

HB 7008 - SB 7078

August 23, 2023

SUMMARY OF BILL AS AMENDED (009558): Requires a qualified mental health professional or behavior analyst who determines that a service recipient has communicated an intent for actual threat of bodily harm against a clearly identified victim or group of people, if it is determined that the service recipient has the apparent ability to commit such an act, to report the threat to local law enforcement,, or, if the threat is general and not imminent, to 988 or local crisis response service.

Establishes that a qualified mental health professional or behavior analyst who makes such a report is not liable for damages in a civil action, subject to prosecution in a criminal proceeding, or subject to disciplinary action by a regulatory board.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 33-3-206, if a service recipient has communicated to a qualified mental health professional or behavior analyst an actual threat of bodily harm against a clearly identified victim and it has been determined or reasonably should have been determined that the service recipient has the apparent ability to commit such an act and is likely to carry out the threat unless prevented from doing so, then the mental health professional or behavior analyst must take reasonable care to predict, warn of, or take precautions to protect the identified victim from the service recipient's violent behavior.
- The proposed legislation will expand the circumstances under which a qualified mental health professional or behavior analyst has a duty to predict, warn, or take precautions, and require a report to be made to either local law enforcement or local crisis response service of a communicated threat.
- Local law enforcement and crisis response service teams can handle any increase in reports of threats of bodily harm utilizing existing personnel and resources.
- Any fiscal impact to state or local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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